

REMARKS

The Office has required restriction in the present application as follows:

Group I, Claims 1-14, drawn to a prepreg;

Group II, Claims 5-17, drawn to a process for producing a prepreg;

Group III, Claims 18-27, drawn to an intermediate material;

Group IV, Claim 28, drawn to a process for producing an intermediate material;

Group V, Claims 29-31 and 33-35, drawn to a process for producing a fiber-reinforced composition material using a prepreg; and

Group VI, Claims 30 and 32, drawn to a process for producing a fiber-reinforced composite material using an intermediate material.

Applicants elect, with traverse Group I, Claims 1-14 drawn to a prepreg. In addition, Applicants elect for Group I species 1, wherein the resin completely covers the surface of the sheet-like reinforcing fiber substrate and for Group II Applicants elect species I where the resin completely impregnates the sheet-like reinforcing fiber substrate.

The Examiner indicates that invention Groups I-VI do not relate to a general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features for the reason that the International Search Report cites X and Y references for the claimed invention. For this reason the claimed invention is anticipated or at least obvious in view of this prior art and therefore the "special technical features requirement" of Rule 13.2 is not met.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. Applicants make no statement regarding the applicability of the X and Y references cited in the International Search Report except to note that Applicants' invention is

an improvement over these prior art references. Specifically, Applicants' fiber reinforced composite materials are improved products with no internal voids or surface pin holes and have excellent external appearance. Furthermore, Applicants' products are made by molding with only vacuum pressure and without the use of an autoclave. Applicants further note that Groups I, III are intermediate products of the final product Group IV. This intermediate-final product relationship is specifically set forth in of the unity of invention requirements of the PCT Rules, Annex B (d) and (g). As stated in these rules, claims to intermediate and final products are specifically allowed in one National Stage Application. For this reason the restriction between the intermediate and final products is considered improper and should be withdrawn.

Applicants respectfully request that upon allowance of the prepreg claims of Group I that the Examiner withdraw the Restriction at least between these product claims and a process for making these product claims in accordance with the rejoinder procedures of M.P.E.P. § 821.04.

Applicants further request that should the elected species be found allowable that the Examiner expand the search to the non-elected species.

Moreover, the M.P.E.P. § 803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct and independent inventions.

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Application No. 10/521,433
Reply to Restriction Requirement of May 30, 2006

Applicants respectfully submit that the above-identified application is now in
condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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